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EXAMINER

KENNY, DANIEL J

ART UNIT PAPER NUMBER

3637

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/826,847

Applicant(s)

MOW, DONALD

Examiner

Daniel J. Kenny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 3,9 and 13-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/15/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Election/Restrictions***

Applicant's election of Species 1 in the reply filed on August 28, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 3, 9 and 13-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species, there being no allowable generic or linking claim. The claimed subject matter of the above-mentioned claims is drawn to Figs. 3-8, which were not elected.

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "lines 21, 22" (specification page 7, lines 3 and 4) must be shown on the drawings or the feature canceled from the claim. In addition, the "a first end, a second end, first side, and a second side" (specification page 8, lines 14 and 15) must have corresponding figure numbers on the drawing. Finally, the "X-axis, Y-axis, and Z-axis" (specification page 9, lines 6-9) must be shown the drawing. No new matter should be entered.

The drawings are also objected to under 37 CFR 1.83(a) because they fail to show the environment (the structural element) the connector is used in as

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described in the specification. For example, page 2, lines 21 and 22 disclose "The space between the walls 13, 14 is sized such that a piece of lumber, metal, or other structural element may be fitted therein." This requirement for essential detail applies to all the drawing figures. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant discloses a "first face" and a "second face" without particularly pointing out their locations on the connector. The claims will be examined as best understood.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Turner (5,111,632).

Turner discloses a connector, comprising: a generally U-shaped structure (Fig. 3) comprising an upwardly angled base (27) coupled to a first wall and a second wall (26), the first wall and second wall being at opposite ends of the base, and the first wall and second wall being substantially perpendicular to the base (see Fig. 3); a first bracing member (25) coupled to a first end of the first

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wall of the generally U-shaped structure; a second bracing member (25) coupled to a first end of the second wall of the generally U-shaped structure; and the first wall, second wall, first bracing member, and second bracing member having a plurality of openings (Fig. 3). For claim 4, the generally U-shaped structure, the first bracing member, and the second bracing member are considered integral. The term "integral" is not necessarily restricted to a one-piece article. (In re Kohno (C.C.P.A.) 157 U.S.P.Q. 275). For claim 5, the first bracing member and the second bracing member are generally perpendicularly coupled to the first wall and the second wall of the generally U-shaped structure (Fig. 3). For claim 6, the first wall, second wall, first bracing member, and second bracing member are generally rectangular (Fig. 5).

Claims 7, 8 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Turner (5,111,632).

Turner discloses a connector, comprising: a retaining structure comprising an upwardly angled base (27) having a generally polygonal shape; and a first face and a second face (26), the first face and the second face having a top edge, a bottom edge, a first edge and a second edge, the bottom edge of the first face and the second face coupled to the base to define a space (see Fig. 3) which can be adapted to engage a building member; and a first bracing member (25) coupled to the second edge of the first face; and a second bracing member (25) coupled to the second edge of the second face, wherein the first face, second face, first bracing member, and second bracing member have a plurality

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of openings (see Fig. 3). The retaining structure, the first bracing member, and the second bracing member are integral. The term "integral" is not necessarily restricted to a one-piece article (In re Kohno (C.C.P.A.) 157 U.S.P.Q. 275.

Regarding claim 11, the first bracing member is generally perpendicularly coupled to the second edge of the first face and the second bracing member is perpendicularly coupled to the second edge of the second face (Fig. 3).

Regarding claim 12, the first face, the second face, the first bracing member, and the second bracing member are generally rectangular (Fig. 5).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Young (5,004,369), Pedersen (2,751,644), Gilb (3,601,428), and Silvio (1,833,692) all disclose similar connectors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kenny whose telephone number is (571) 272-9951. The examiner can normally be reached on Mon. thru Fri., 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DK *D.K.*

9/11/2006

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